

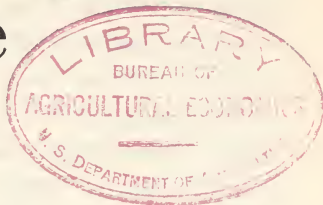
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State and County Land-Purchase Programs



This leaflet deals with the part that State and county land-purchase programs can play in assisting land use adjustments. For a more detailed presentation of this subject, readers are referred to State Legislation for Better Land Use, a publication of the United States Department of Agriculture.

PURCHASE of land by State and local governments, when accompanied by proper land management, is an effective tool for obtaining land use adjustments. Other measures, such as public regulations of land use, rural zoning ordinances, and agreements between land users, are also useful; sometimes more so than land purchase. Comparison of the costs and benefits of each of these approaches affords a basis for choosing the type of action best suited to the particular areas and problems involved.

Public purchase of land is definitely desirable in some cases. For example, when it can be used to aid rural zoning in reducing excessive costs of public services to isolated settlers public purchase seems fully justified; also, where purchase can help existing land use regulations to control conditions hazardous to the public health and safety and to adjoining property. In addition, public purchase is often effective in assisting restoration of idle and depleted land to productive uses. In other cases, it can make possible the better use of State and county land which has been obtained through tax reversion and foreclosure.

Prepared by the Bureau of Agricultural Economics, in cooperation with the Extension Service, United States Department of Agriculture.

Civic organizations and other groups such as land use planning committees are naturally concerned with the problem of isolated settlement, for in some cases the resulting high costs of government may affect the soundness and adequacy of governmental operations. The taxes paid by families in remote areas usually amount to only a small fraction of the costs of the services supplied them. Sometimes, in fact, the occupied properties could be bought outright at less cost than that of maintaining roads and school facilities for them, even for 1 or 2 years. Of course, other problems are involved besides those of money. Mere removal of these families from their isolated farms is not enough. Accompanying the land purchases, rural zoning is needed to prevent new settlement occurring on the abandoned land. Land purchase and rural zoning, in turn, should be used along with measures such as debt adjustment, loans, farm-planning services, vocational guidance, and other kinds of assistance aimed at helping the families to relocate successfully elsewhere.

Isolated Settlement.

Local and State governments in many parts of the Nation, for instance, have found it more desirable to purchase isolated farm tracts in remote back-country areas and to assist the settlers in moving to better localities than to continue bearing the unusually high costs of providing roads, schools, and relief to these families. In some of the poorer areas, settlers live 10 to 20 miles from their nearest neighbors, and far from the main roads and public schools. In such areas, the local government must sometimes maintain a separate school and many extra miles of roads, for the use of only two or three families. Even if no separate school is maintained, the public must pay the extra cost of transporting the settlers' children long distances to school. Families on these remote farms are usually anxious to move to more centrally located settlements, because of the many inconveniences and hardships connected with isolated living, but are financially unable to get to better farms, unless outside aid is given them.

Soil Conservation Districts.

In some areas, sound farm-management practices and the regulations of soil-conservation districts provide an excellent basis for obtaining land use adjustments. In other areas, these regulations and practices are not by themselves suited to solving the problems. Land use regulations such as zoning, conservation agreements, and soil conservation district regulations are sometimes difficult to apply effectively, unless used in combination with other measures. State and county programs for land purchase can be a useful supplement to these regulations. For example:

A farmer in a particular soil conservation district in the Southeast lives on a small hilly tract of land. He and his family depend on income from crops grown on the steep slopes—slopes impossible to maintain permanently in cultivation, even with the best kinds of erosion control. The bulk of this land should be in forest. Soil erosion is severe, the family income is declining, and the sand and gravel washing off the sterile slopes is damaging good land in the valley below.

If these conditions continue, the land will become incapable of producing crops, the farmer will quit paying taxes, and the farm will be abandoned. Eventually, the land will go into public ownership through tax foreclosure. This would take years, during which the continued tillage of the steep slopes would cause great damage to good land in the bottoms. All of these losses, for man and land, could be forestalled by public purchase of this farmer's land and relocation of his family. Comparable instances might be cited in grazing and forest areas.

Public Health and Safety.

Certain uses of land create hazards to public health and safety and bring permanent injuries to the community. Examples of these uses are furnished by areas that suffer from dust storms, farm abandonment, soil erosion, timber exhaustion, inadequate water facilities, lack of land management, and lack of fire-control measures. Also in this class is land which permits excessive run-off of surface water, contributing to flood hazards, and damaging irrigation systems and

stream channels. By purchasing land of this kind, the public can insure better land use and management.

Public purchase is often suggested for the dune areas on the eastern shore of Lake Michigan and on the Pacific Coast, where sands are shifting and destroying nearby land and buildings and other property. Positive action, such as is possible through public purchase and management of the land, is needed to obtain effective control.

Restoring Productivity.

Of a different nature is the problem of areas with large acreages of depleted and idle land. The low productivity of the land means that it contributes little to the people and their communities. Productive uses of the land could be insured through the development of public pastures, State or community forests, and recreational areas. Management and development of these areas under public ownership would in many cases enhance local prospects for long-range income and employment.

Exchange of Land.

Much of the land already acquired by States or counties through tax foreclosures is in scattered tracts, intermingled with other land. To promote its sound management and development, therefore, governmental units sometimes must buy additional land, adjoining that already owned, to permit management of the land in a single large tract. Exchange of publicly owned land for land within the desired large tracts has also proved helpful in consolidating tracts for management purposes.

Michigan provides an example of how States may be able to exchange certain State land for land needed in consolidating scattered holdings. In accordance with a law in that State which authorized exchange of land, the Federal Government has bought about 250,000 acres within or near the State forests of Michigan. In turn, it has exchanged this land for land and timber of equal value owned by the State within the national forest area. The resulting consolidation of holdings has simplified the land-management problems both of the State and of the Federal Government.

Programs Under Way.

Many States and localities already are conducting land-purchase programs. These include projects such as the New England community forests, the submarginal land-purchase program in New York, and others. Already there are 1,700 community forests in this country. Twenty States (including all in New England) have authorized purchase of land by towns, communities, or other political subdivisions. By a law passed in 1940, Virginia has authorized purchase of public forests by certain political subdivisions. Other States have authorized public purchase in specified areas.

Community forests hold out many advantages. These forests enable the communities to obtain new cash income from forest products, provide a new source of steady employment, and supply community fuel needs. They have great recreational value and, in addition, may be the source of a safe and constant community water supply.

Plans For Purchase.

Successful programs for county and State purchase of land are not built up overnight, or without careful thought and study. Many problems are involved. Adequate planning is vital to assure the selection of proper land. Special legislation may be needed. An agency must be established to buy the land needed for adjustment purposes. Definite responsibilities and activities must be assigned to this agency, and a clear and workable method of financing the program must be worked out.

The first step toward creating a sound land-purchase program is the locating of areas where private ownership of land is against the best interests of the public. State land use planning committees, working as they do with their county land use planning committees, provide a means for State-wide planning and coordination in the selection of land for purchase. Similarly the local land use planning committees and local organizations, such as the soil conservation districts, can contribute to local planning and coordination. Zoning boards, road, school, and tax-collection officials, and State and local agencies and officials also can give worth while assistance, through the land use planning committees.

The Purchase Agency.

Each State or county beginning a land-purchase program may need to establish a special office or agency to handle the work. For the State, this office or agency may be part of a conservation department or commission. Or it may be a separate agency charged with coordinating all State activities affecting the purchase of land for adjustment purposes. In addition to carrying out the State program, this agency should be able to provide land-purchase services, if necessary, for local units of government that have authority to buy land for adjustment purposes. In other cases, no special agency may be required. Rather, the States or counties could entrust administration of the purchase program to an already established unit.

Responsibilities of Agency.

A State or county program of land purchase, designed to bring about needed land use adjustments, requires a well-defined procedure and a definite placing of responsibilities. The land-purchase agency should be responsible for receiving the purchase proposals prepared by others, preparing purchase proposals in cooperation with planning groups and agencies, analyzing proposals in cooperation with local and State planning groups and agencies, approving desirable proposals, and other related work.

It is important that all purchase prices be based on an appraisal of the property that is fair to both parties. To insure fairness to all, a schedule of land values might be developed for each area, through full consultation with local farmers, bankers, real estate dealers, and others familiar with land prices. The schedule thus formulated might be very helpful as a guide to the State or county in its purchase negotiations.

In cases where prices are unreasonably high, or where the landowner refuses to sell the property designated for purchase, condemnation proceedings may sometimes need to be used. Compulsory sales should be avoided as a rule, but when public health, safety, and welfare are involved, purchase

through condemnation may sometimes be justified. In addition, voluntary or "friendly" condemnation proceedings may be appropriate in instances where the landowners are unable to furnish satisfactory title, and are financially and legally unable to correct title defects.

Legislative Action.

Before land purchase can be used to its maximum effect by State and local governments, new enabling legislation will no doubt be necessary in some States. In others, all that may be required is the amending of present statutes.

Any new legislation enacted should contain a clear-cut statement of the objectives being sought by the purchase program, show the need for the program, and outline the course for its administration. Purchase of certain kinds of land should be authorized, including submarginal land, or land not suitable for cultivation. The legislation may also grant authority to purchase good crop and grazing land, for exchange with isolated settlers. Other points would also have to be settled, such as authority for purchase by States and local governments, methods of purchase, authority for and methods of disposing of land, and, finally, methods of financing the programs.

All of these points are important to the successful inauguration of a sound land-purchase program.

Previous publications in this series:

- No. 1. County Land Use Planning.
- No. 2. Membership of Land Use Planning Committees.
- No. 3. The Land Use Planning Organization.
- No. 4. The Scope of Land Use Planning.
- No. 5. Pooling Ideas in Land Use Planning.
- No. 6. Communities and Neighborhoods in Land Use Planning.
- No. 7. Rural Zoning and Land Use Planning.
- No. 8. Planning Committees Cooperate with Local Governments.
- No. 9. Farm Tenancy.
- No. 10. Problems of Farm Tenancy.
- No. 11. Farm Tenancy Law.
- No. 12. Rural Tax-Delinquent Lands.
- No. 13. Management and Development of State and County Land.

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